

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE SEPTEMBER 6, 2006, MEETING, WITH FIRST READING AT THE SEPTEMBER 18, 2006, MEETING, AND SECOND READING AT THE OCTOBER 2, 2006, MEETING. **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-32

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN ZONING ORDINANCE NO. 82-1 ENTITLED “AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF GREENWOOD, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF I.C 36-7-4-600 et seq. LAWS OF INDIANA AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith” (Proposed Rezoning of 85 East Main Street, commonly known as the Kane Property)

WHEREAS, the Greenwood Advisory Plan Commission (hereinafter “Commission”) conducted a public hearing on the petition for the rezoning of 85 East Main Street within the City of Greenwood, from B-1 Business – Professional and Office use to C-1 – Commercial – Neighborhood Shopping use; and

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments regarding the development of said real estate:

1. Landscape buffering shall be provided along the western lot line from the south end of the parking lot to the front wall of the building. Landscape plan shall be subject to review and approval by Planning Director. Due consideration shall be given to existing parking lot pavement and existing green space. Existing green space shall not be diminished.

2. Owner shall limit the tenant uses so as to comply with parking space regulations as established by Zoning Ordinance Section 10-103, Parking Requirements.

3. The Owner commits to prohibit the following uses, which are either special exceptions or not permitted under the current B-1 zoning, but would be permitted under the requested C-1 zoning:

- Mobile Home Parks
- Mobile Home Park Management Offices
- Mobile home Park Sales Lots
- Mobile Home Park Sales Offices
- Dormitories
- Fraternities
- Sororities
- Public Swimming Pools
- Golf Courses and Driving Ranges
- Boarding Houses
- Temporary or Seasonal uses
- Colleges or Universities
- Utility Treatment
- Generative Facilities
- Group Homes/all other Group Homes
- Agricultural uses (i.e. Elevators, Feed Mills, Fertilizers, or Other Services)
- Roadside Produce Stands
- Construction Uses
- Special Trade Contractors
- Railroad Line Hauling
- Public Warehouses

Hospitals
R6 Permitted Uses

4. The Owners also commit to the installation and maintenance of landscape plantings along the western lot line from the South end of their parking lot to the front wall of the building pursuant to the landscape plan attached hereto as Exhibit “A”

5. The Owner shall maintain the existing privacy fence, with the additional “T” at the southwestern corner of the building; and

WHEREAS, the Commission, after paying reasonable regard to: 1) the Greenwood Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, made a **favorable recommendation** (8 - 1) regarding said change in the zone map and certified the same to the Greenwood Common Council; and

WHEREAS, the Greenwood Common Council has given notice of its intention to consider this matter; and

WHEREAS, the Greenwood Common Council has considered the recommendation of the Commission and paid reasonable regard to items 1 through 5 referred to above,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Official Zoning Map referred to in Article 1, Section 1, of Ordinance No. 82-1, as amended, is amended as follows:

The following described real estate situated within the City of Greenwood, Indiana, currently zoned B-1 – Business – Professional and Office use is rezoned to C-1 – Commercial – Neighborhood Shopping use:

C-1 – COMMERCIAL ZONING

Lot Number 10, Grafton Johnson’s 1st Subdivision

Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the second “Whereas clause” above.

Section 3. The Greenwood Plan Commission is hereby authorized to make the above described change to the official zoning map of the City of Greenwood.

Section 4. This Ordinance shall have no effect as to changing any other provision of Ordinance No. 82-1, as amended, other than the Official Zoning Map referred to in Article 1, Section 1, of said Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and after the above described commitments are made by the owner and recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.

Passed by the Common Council of the City of Greenwood, Indiana, this ____ day of _____, 20__.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is presented by me this ____ day of _____, 20____, at _____ O’Clock __.M, to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is signed and approved by me this ____ day of _____, 20____, at _____ O’Clock __.M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana